Senate File 2296 - Introduced

SENATE FILE 2296
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2111)

A BILL FOR

- 1 An Act relating to a peace officer's search of garbage placed
- 2 outside of a person's residence for waste collection in a
- 3 publicly accessible area.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. <u>NEW SECTION</u>. **808.16 Exception to search warrant** 2 requirement garbage searches.
- 1. It is the public policy of this state that a person has 4 no reasonable expectation of privacy in garbage placed outside 5 of the person's residence for waste collection in a publicly 6 accessible area.
- 7 2. A city or county shall only adopt an ordinance or a 8 regulation concerning waste management and sanitation for 9 the purposes of promoting public health and cleanliness. An 10 ordinance or a regulation adopted by a city or county shall not 11 be construed by a person to create a reasonable expectation of 12 privacy in garbage placed outside of the person's residence for 13 waste collection in a publicly accessible area.
- 3. Garbage placed outside of a person's residence for to waste collection in a publicly accessible area shall be deemed abandoned property and shall not be considered to be constitutionally protected papers or effects of the person.
- 18 4. A peace officer may conduct a search and may seize 19 garbage placed outside of a person's residence for waste 20 collection in a publicly accessible area without making an 21 application for a search warrant.
- 22 EXPLANATION

35 collection in a publicly accessible area.

- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- This bill relates to a peace officer's search of garbage 26 placed outside of a person's residence for waste collection in 27 a publicly accessible area.
- The bill provides that it is the public policy of this
 state that a person has no reasonable expectation of privacy
 in garbage placed outside of the person's residence for waste
 collection in a publicly accessible area. An ordinance or a
 regulation adopted by a city or county shall not be construed
 by a person to create a reasonable expectation of privacy in
 darbage placed outside of the person's residence for waste

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The bill provides that garbage placed outside of a person's residence for waste collection in a publicly accessible area shall be deemed abandoned property and shall not be considered to be constitutionally protected papers or effects of the person. A peace officer may conduct a search and may seize garbage placed outside of a person's residence for waste collection in a publicly accessible area without making an application for a search warrant.